

**CIVIL CASE NO. 1:20-cv-00147-MR  
(CRIMINAL CASE NO. 1:15-cv-00075-MR-WCM-3)**

## ORDER

**THIS MATTER** is before the Court on Petitioner's filing of a Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255 [Doc. 1] and Motion to Place Case in Abeyance [Doc. 3].

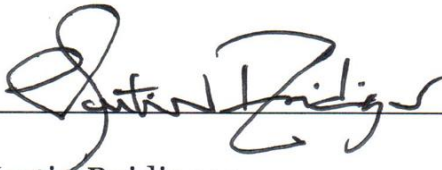
review. Petitioner argues that his § 2255 Motion to Vacate depends in part on the Fourth Circuit's holding in Gary that a defendant can establish structural error by showing that a guilty plea was entered without an understanding of the knowledge element articulated in Rehaif. Assistant United States Attorney Amy Ray consents to a stay of this action pending the Fourth Circuit's issuance of the mandate in Gary.<sup>1</sup> [Doc. 3 at 2].

The Court finds that the Motion to Place Case in Abeyance is in the interest of justice and judicial economy and will be granted.

**IT IS, THEREFORE, ORDERED** that Petitioner's Motion to Place Case in Abeyance [Doc. 3] is **GRANTED**. The Government shall have **30 days** following the Fourth Circuit's issuance of its mandate in Gary to file an answer, motion, or other response to the § 2255 Motion to Vacate.

**IT IS SO ORDERED.**

Signed: June 23, 2020

  
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Martin Reidinger  
Chief United States District Judge



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<sup>1</sup> Counsel for the Government has not yet entered an appearance in this case.